

REMARKS

The Office Action of December 5, 2006 has been carefully considered. Reconsideration of this application, entry of the amendments set forth above, and allowance of the rejected claims is respectfully requested.

Office Action Summary

The Examiner has withdrawn the finality of the prior action, and claims 10 – 18 are now allowed. Claims 5 and 6 are understood to be objected to but allowable if rewritten to include the limitations of the base and any intervening claims.

Claim 9 was rejected under 35 USC §112, 2nd paragraph, as being indefinite. Claims 1-4 and 7-9 were rejected under 35 USC §102(b) as being anticipated in view of the newly cited patent by Smith et al. (“Smith”).

Claim 9 has been amended to refer to the positioning member of claim 1. Accordingly, claim 9 is believed to overcome the rejection under 35 USC §112, 2nd paragraph and Applicants request acknowledgement thereof.

Rejection of claims 1-4 and 7-9 under 35USC §102(b) is traversed

Applicants respectfully traverse the rejection of claims 1-4 and 7-9 as failing to teach all of the elements recited in the claims.

Smith discloses a masonry tile saw having an enclosed track to prevent deposits of sludge from forming on the tracks (e.g., Abstract). A sliding table, having attached rollers, glides within the enclosed track and is separable from the track upon removal of a pin. For example, when locking pin 351 is inserted into bore 352, it blocks the rollers of the table assembly 200 from passing through the opening in the end of outer rail 320 (see FIG. 9A).

In setting forth the rejection, the Examiner improperly ignored specific terms used in the claim and, as a result, mischaracterizes the claims. For example, the Examiner reads out of claim 1, the terms “component feeding system” and “assembly machine,” choosing to improperly characterize the named elements as a “system” and a “machine,”

respectively. Moreover, the Examiner alleges that the table assembly 200 of Smith is a “system” and the saw assembly 500 is a “machine” – although some question remains as to whether one of skill in the art would arrive at such a conclusion, Smith still fails to teach the recited “component feeding system” and “assembly machine.”

In a similar error, the Examiner mistakenly alleges that the recited “feeder platform” is somehow taught by the base 100 of Smith, and that Applicants recited “positioning member” is somehow taught by Smith’s disclosure of a bore 352. Applicants are puzzled as to how the Examiner concluded that a bore 352 can anticipate a positioning member.

Absent a teaching of “a feeder platform attached to the assembly machine,” “a plurality of rollers affixed to the component feeding system,” and “a positioning member associated with the docking channel” there can be no anticipation of claim 1. As set forth in MPEP §2111, “[t]he Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).

Applicants respectfully contend that the terms “feeder platform,” “assembly machine,” “component feeding system,” and “positioning member” are set forth in the specification, and are not described in a manner that would suggest a misinterpretation as pertaining to a tile saw. Nonetheless, this is exactly what the Examiner has done in setting forth the basis for the present rejection. The Examiner improperly reads out of the claims those limitations that clearly differentiate claim 1 over the tile saw of Smith. It further appears that the Examiner relies on *Ex parte Masham* to erroneously support the fact that the Examiner’s claim analysis ignores claim terms - terms that are clearly set forth in the specification. *Ex parte Masham* does not permit the analysis to ignore or to redefine the meaning of the claim elements. Accordingly, Applicants respectfully urge that the Examiner failed to properly consider all the limitations of claim 1 and, furthermore that independent claim 1 is not anticipated by Smith. Withdrawal of the rejection of claim 1, and claims dependent therefrom, is respectfully solicited.

For the sake of brevity, Applicants do not set forth comprehensive arguments relative to the dependent claims, as they depend from what is believed to be allowable

PATENT APPLICATION NUMBER 10/810,292

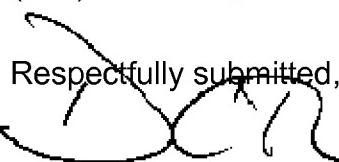
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independent claim 1. Applicants reserve the right to subsequently present further arguments in support of the patentability of dependent claims 2 – 4 and 7 – 9.

In view of the above-noted arguments in traversal of the rejection of independent claim 1 Applicants respectfully urge that claims 1 – 9 are presently in condition for allowance.

In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,


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